

**WALLA WALLA COUNTY  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision**

Received:
<i>Date Stamp</i> JUN 13 2003
Reviewed by: _____
Date Reviewed: _____

Applicant: Brent A Knowles

Application Number: WRATS CS3-\*28832JWRIS

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla Water Conservancy Board held on \_\_\_\_\_.

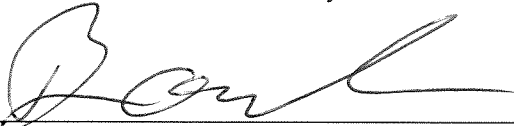
**XX Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 6/1/03 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on \_\_\_\_\_ and submits this record of decision to the Department of Ecology for final review.

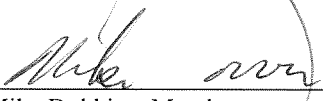
Signed:

  
Alan Kottwitz, Chair  
Walla Walla Water Conservancy Board

Date: <u>6/1/03</u>	Approve	<input checked="" type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>	
	Other	<input type="checkbox"/>

  
Brian Worden, Member  
Walla Walla Water Conservancy Board

Date: <u>6-11-03</u>	Approve	<input checked="" type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>	
	Other	<input type="checkbox"/>

  
Mike Dobbins, Member  
Walla Walla Water Conservancy Board

Date: <u>6/11/03</u>	Approve	<input checked="" type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>	
	Other	<input type="checkbox"/>

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via certified mail, and other interested parties on \_\_\_\_\_.

**Walla Walla County**  
**WATER CONSERVANCY BOARD**  
**Application for Change/Transfer**  
**Report of Examination**

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water

Ground Water

DATE APPLICATION RECEIVED	PERMIT NUMBER	CERTIFICATE NUMBER	CHANGE APPLICATION NUMBER
9/4/02		832	CS3-*28832JWRIS

NAME

Brent Knowles

ADDRESS (STREET)

4665 W. Hwy 12

(CITY)

Walla Walla

(STATE)

WA

(ZIP CODE)

99362

**Changes Proposed:**

Point of Diversion/Withdrawal

☒ Place of Use

Purpose

☐ Temporary

☐ Other

**DECISION HISTORICAL SUMMARY**

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE						QUANTITY, TYPE OF USE, PERIOD OF USE					
.28 cfs maximum, 70 acre-feet/yr, 14 acres, annual use.						.28 cfs maximum, 25.0 acre-feet, from January 1 to December 31 for the irrigation of 10.5 acres.					
Point of Diversion or Withdrawal						Point of Diversion or Withdrawal					
SOURCE		TRIBUTARY OF (IF SURFACE WATER)				SOURCE		TRIBUTARY OF (IF SURFACE WATER)			
Mill Creek		Walla Walla				Mill Creek		Walla Walla			
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE.	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE.
	NE	SE	28	7	35		NE	SE	28	7	35
Place of Use						Place of Use					
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:						LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED					
See Certificate 832						The portion of the NE ¼, SE ¼ of Section 28, T. 7 N., R. 35 E.W.M. lying south of Mill Creek.					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE.	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE, (

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

Water Right Priority Date: **8/10/29**

## BOARD'S TENTATIVE DETERMINATION

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
.28		25.0	Annual irrigation				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Mill Creek			Walla Walla				
AT A POINT LOCATED: PARCEL NO.	¼ NE	¼ SE	SECTION 28	TOWNSHIP N. 7	RANGE 35	WRIA 32	COUNTY. Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
10.5 acres located in the portion of the NE ¼, SE ¼ of Section 28, T. 7 N., R. 35 E.W.M. lying south of Mill Creek.							
PARCEL NO.	¼	¼	SECTION 28	TOWNSHIP N. 7	RANGE, 35		

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## DESCRIPTION OF PROPOSED WORKS

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A well and associated piping to supply landscape irrigation for a RV park.

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## DEVELOPMENT SCHEDULE

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BEGIN PROJECT BY THIS DATE: 7/1/03	COMPLETE PROJECT BY THIS DATE: 7/1/13	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 7/1/14
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## REPORT

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See WAC 173-153-130 - The following sections may be expanded onto additional pages.

### **BACKGROUND**

#### **A. General Background:**

The water right subject to change/transfer, No. 832, as described above, is a year around irrigation use water right supplied by a diversion from Mill Creek (surface water source). The applicant has been irrigating various crops with this right, and others, for several years.

#### **B. Applicant Request:**

The applicant has requested to change the place of use. The applicant intends to construct an RV park. This application is in conjunction with 3 other applications for change covering the same project. The applicant has requested an extended development schedule due to the phased construction nature of the project.

### **COMMENTS AND PROTESTS**

Public notices published 12/12/02 and 12/19/02 and no protests or comments were received.

### **INVESTIGATION**

#### **A. Key Issues--Water Board Review:**

The Water Board's investigation has included several issues:

First, the change/transfer request by the applicant must be consistent with existing statutory code and case law affecting water right changes/transfers. The Water Board has reviewed the condition of the water right and change/transfer request, and the Water Board concludes that the water code and case law allows for the change/transfer request designated by the applicant and described within this ROE/ROD.

Second, the total amount of water diverted under the change/transfer request must not exceed the actual historic use. No enlargement of the water right is permitted. The water right in question has been used along with other overlapping rights, to irrigate various crops within the last 5 years. The Water Board concludes that the change/transfer will not expand the water right. Further the Water Board has conditioned the water right within this ROE/ROD to ensure that proper metering (water measurement) is installed to account for actual water use consistent with the state water code and administrative regulations.

Given the above observations and review, the Water Board determines that the proposed new point of withdrawal will not create any impairment problems to other water rights/wells within the area.

#### **B. Water Right Adjudication Process:**

This is an adjudicated Certificate.

#### **C. Public Notification Process:**

Public notification for the applicant's request was filed in the Waitsburg Times. A copy is provided in the attachments. The Water Board has received no public comments on this action nor has the WADOE notified the Water Board of any protests received from the public notification.

The application has been distributed to several state resources agencies, tribes, and interested parties, as recommended by WADOE or agency request. No comments have been received from these parties.

#### **D. Verification of Existing Water Right:**

The applicant has supplied acreage and cropping pattern data which cover this right as well as 3 others filed at the same time. Due to the overlapping nature of the rights on the various lands farmed, the existing right was determined based on the total water use and acreage where it was applied. All 4 rights in question have been used exclusively by the applicant. The Washington Irrigation Guide and FSA cropping acres information was used to determine the existing water right. As no flow meter data is available, beneficial use was determined to be the consumptive use requirement of the crop. The information provided indicates that a total of 54.9 acres have been irrigated at up to 118.3 total acre feet per year. Using the pro-rated share for right #832 allows the change/transfer of 10.5 acres and 25.0 acre feet per year. The Water Board has reviewed the water right documentation, reviewed the applicant's technical information concerning the water right, is familiar with the existing water use and land operations, and has conducted its own review of the water right relative to change/transfer conditions as discussed above. The Water Board concludes that the water right is in good standing, subject to the conditions contained within this Record of Decision affecting change/transfer.

#### **E. Field Examination:**

The field examinations were conducted by Mike Dobbins and Alan Kottwitz (WWWCB) and the applicant on site visits during the months of January and March 2003. Further, the Water Board is familiar with this area, in general. The field examination confirmed the information within the application request.

The field examination consisted of viewing the existing/proposed well sites and nearby wells, the existing water use site, and the surrounding area. A visual examination of the site planned water use area was conducted, along with a review of the applicant's maps. In essence, the field investigations confirmed information provided by the applicant, WADOE, and through supporting application materials.

#### **F. Technical Information, Investigations, or Reports Reviewed:**

The Water Board has reviewed the applicant's WADOE file and records contained therein, including any reports/comments submitted by WADOE staff, and pertinent WADOE groundwater well records, and records of new applications for water rights or water right changes/transfers (received and reviewed via electronic data files).

The applicant has provided technical information, personal communications, and technical references requested by the Water Board, including data to verify the existing and proposed change/transfer request; and the applicant has communicated extensively with individual Water Board members to answer specific questions about the change/transfer request. The Water Board has conducted a field examination to verify the information contained within the applicant's permit of water right and technical report. The Water Board has requested and received supplemental information from the applicant.

#### **G. Associated Rights and Uses:**

The applicant has filed 3 other requests (WRATS numbers CS3-\*28723JWRIS, CG3-\*01637CWRIS, CS3-\*28309J) for change/transfer associated with this right.

#### **H. Review of Potential Impairment:**

Because the proposed action will not increase the existing permitted water use, or increase the water amount put to actual beneficial use, or measurably affect other existing water rights or applications for new water rights, no impairment is perceptible. A detailed impairment review is discussed above.

The proposed change/transfer will be beneficial in the conservation and management of water resources from existing practices for the following reasons: 1) there will be no increase in withdrawal on an annual/seasonal basis after the change/transfer, compared to existing withdrawals; and 2) controls and monitoring on the quantity of water pumped will help ensure that the authorized quantity is not exceeded, as required under a metering plan.

The Water Board has published public notice of the proposed action and reviewed thoroughly any potential technical issues concerning impairment. No issues of impairment have been raised.

Existing ground water permits and wells located within the nearby area--within the same ¼ section and section--were noted according to information contained within the WADOE data base system (electronic data under WADOE website) and visual inspection.

As noted above based on the impairment review and consultations with WADOE staff, the Water Board concludes that impairment related to the water right change request is highly unlikely, because:

- 1) There is no change in point of diversion.
- 2) There are no existing reports of impairment to nearby wells or surface diversions.
- 3) The Water Board has reviewed any potential impairment issues; none are apparent.

The field investigation revealed that the applicant's request for change/transfer is consistent with existing land and water use practices within the immediate area, reflecting the development of and consistency with local water system needs; and consistent with the Walla Walla County Comprehensive Land Use Plan.

The change/transfer request is consistent with beneficial use considerations contained in RCW 90.03.380 and other applicable statutes. The change will not increase permitted water withdrawals or net depletions from the surface water source. More specifically, the subject application for change is consistent with public policy objectives of the Departments of Ecology and Health, to provide for efficient use of water resources, to encourage supply of new or expanding uses through transfer of existing water rights, to provide greater operational control to water managers, to encourage the development of regional water supply systems, and to provide adequate and safe supplies of water.

Given the changed place of use and the fact that no increase in water withdrawal from the existing surface water source will occur relative to that used, there is no reason to expect any impairments to other surface water sources, consistent with the conditions and provisions provided under the existing water right granted by the WADOE. Also, because the change/transfer proposed by the applicant does not affect withdrawals from new water sources or increase existing allowed net withdrawals from that currently permitted, the change request does not affect local conditions surrounding the status quo for water use, as permitted by WADOE.

The Water Board decision has no impact on WADOE's existing water right decisions, the condition of local groundwater resources based on empirical data, or the priority for water rights between junior and senior water right holders within the local area. The Water Board does include conditions within this ROE/ROD to ensure that the public interest is protected--that they are consistent with actions that would be pursued by WADOE to avoid future or potential impairment problems-or regulation actions.

## **CONCLUSIONS**

1. The certificate of water right and existing beneficial use provisions are verified; the applicant is following appropriate conditions and procedures for a water right certificate; the water right is in good standing.
2. The proposed change/transfer will result in no increase in the annual quantity of water permitted. The change/transfer request will not increase the water right.
3. There will be no increase in withdrawals on an annual basis. In addition, full monitoring of the quantity of water pumped will help ensure that permitted water withdrawal is not exceeded.
4. Public notice has been provided for the proposed action; no public concerns have been voiced to the Water Board. Public notice and application submittal has been forwarded to several state resource agencies/tribes/interested parties for comment; the agencies have provided no comments objecting to or indicating conditioning application approval.
5. The proposed action creates no perceived detrimental impacts or impairments to other water right holders or permit applicants; adequate data and information exists to make this determination with confidence.
6. No protests concerning this application have been received by WADOE and provided to the Water Board. No state or tribal agency contacted has provided comments—negative or otherwise.
7. The proposed action is consistent with the intent of RCW 90.03.380, 90.44.100, 90.80 (as amended May 10, 2001) and recent case reviews by the Washington State Supreme Court.
8. The proposed action supports the public interest, is consistent with allowed beneficial uses, and is consistent with local area economic development needs and land uses.
9. All applicable fees have been paid and appropriate review information submitted to the Water Board.
10. The Water Board has provided for specific conditions in granting the conditional approval and Record of Decision to ensure appropriate beneficial use.

## **RECOMMENDATIONS**

It is recommended that the Change/Transfer request be approved as submitted to change the place of use.

## **PROVISIONS AND CONDITIONS**

### **A. Provisions:**

The applicant's water right change/transfer request to change the place of use is conditioned by the Water Board with the following provisions:

1. The place of use is approved, as stated within the decision summary section above.
2. The changes affecting this existing permit will not exceed .28 cfs, 25.0 acre-ft. annual (year-round) irrigation.
3. By July 1 2013, the applicant will notify the Water Resources Program, Eastern Region Office, WADOE, that project construction is completed, unless further extended for good cause.
4. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Eastern Region Office, WADOE by July 1, 2014, unless further extended for good cause.
5. The WADOE shall undertake a proof inspection to certify actual development of the water right permit as amended.
6. The applicant will specifically provide the WADOE with flow meter estimates of water use for the total water right, including the following provisions: a measuring device approved by WADOE must be installed and the applicant will follow a metering plan, as requested by WADOE. Meters are to be installed at each well, and weekly readings shall be documented. Within 30-days of the end of each calendar year, the applicant shall send a copy of these data, on a form prescribed by WADOE, to the Eastern Regional Office, Spokane, Washington. Meter information shall indicate the meter type, the date of recording, and the name of the person taking the meter reading.

The applicant will provide the WADOE with a metering plan prior to use of the new points of withdrawal. The metering plan will take into account all water rights assigned to the changed points of diversion, ensuring that water withdrawals do not exceed the specified limits set for the operation of the combined water rights.

7. An approved measuring device(s) shall be installed and maintained for the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be submitted annually to Ecology by January 31st of each calendar year typically.
8. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements". At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, weekly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters



to be reported or more frequent reporting.

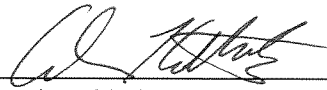
9. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

10. Department of Ecology personnel, upon presentation of proper credentials and prior notification, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

Approved Unanimously by the WWCWCB

Signed at Walla Walla, Washington

This 12th day of June, 2003

A handwritten signature in dark ink, appearing to read 'Alan Kottwitz', is written over a horizontal line.

Alan Kottwitz, Chair

Walla Walla Water Conservancy Board

**For attachments not included or for more information please contact:**

**Karen Tusa**  
**Water Resources Program**  
**Department of Ecology, Eastern Region Office**  
**4601 N. Monroe**  
**Spokane WA 99205**  
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